

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NETWORK APPLIANCE, INC.,

No. C-07-06053 EDL

Plaintiff,

v.

SUN MICROSYSTEMS INC.,

**ORDER REGARDING REQUESTS TO
SEAL SUMMARY JUDGMENT BRIEFS
AND RELATED DOCUMENTS**

Defendant.

The parties have requested that numerous documents relating to Sun's Motion No. 1 For Summary Judgment of Non-Infringement of U.S. Patent No. 6,892,211, Sun's Motion No. 2 For Summary Judgment of Non-Infringement of U.S. Patent No. 6,892,211, NetApp's Motion For Summary Judgment of Non-Infringement of U.S. Patent No. 5,925,106, and NetApp's Motion For Summary Judgment of Non-Infringement of U.S. Patent No. 5,459,857 be filed under seal. The documents that the parties request to have filed under seal include briefs, declarations, and exhibits in support and in opposition to the four dispositive motions listed above.

The Court cautions the parties that there is a "strong presumption in favor of access" to Court files, especially those relating to case- dispositive motions and related documents, and a party seeking protection of such documents must present "'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify sealing court records." See Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006). The "compelling reasons" standard is invoked even if the dispositive motion, or its attachments, were previously filed under seal or protective order. See Foltz .v State Farm Mut. Automobile Ins. Co., 331 F.3d 1122, 1136 (9th Cir. 2003) ("[T]he presumption of access is not rebutted where . . . documents subject to a protective order are filed under seal as attachments to a dispositive motion. The . . . 'compelling reasons' standard continues to apply."). A "good cause" showing, without more, will not satisfy the "compelling

1 reasons” test and documents and/or briefs that do not satisfy this test may accordingly be re-
2 designated as public information upon proper request. Id.

3 The parties are directed to file concise but complete briefs, with appropriate accompanying
4 declarations, setting forth the compelling reasons why any document relating to these dispositive
5 motions, or any portion thereof, should be filed under seal within one week of the date of this Order.
6 The parties are reminded that any request for protection should rigorously comply with the
7 requirement of Local Rule 79-5 that it be “narrowly tailored to seek sealing of only sealable
8 information.” The Court will not entertain requests for blanket protection of any document without
9 sufficient justification, nor will it consider requests made without presenting compelling reasons for
10 keeping the information sought to be protected confidential.

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12 **IT IS SO ORDERED.**

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14 Dated: November 16, 2009



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16 ELIZABETH D. LAPORTE
United States Magistrate Judge